

## **Attachment B**

### **Recap of Amendments to Include in Draft 5 of Restructured Agreement for Water Supply\*** (Organized by Restructured Agreement Section Number)

#### **Major:**

**3.5** Agree on water shortage allocation provisions.

**4.14** Agree that all parties concur on Watershed Maintenance and Restoration Sub-charge.

#### **Minor/Technical:**

**1.2(s) and Sec. 3.2** Re. definition of and service to “Other Agency Customers” – reword to make clear service to no other new Other Agency Customers, other than those listed, shall occur.

**1.14** Ck to see that “ENR Construction Cost Index” is correct index to cite.

**2.9** Add this as a new section containing “planning coordination” language that is in existing MOU.

**3.4(e)** Re. volunteer take-over of Surplus customers, eliminate ambiguous language to the contrary.

**3.5(d)** Make clear that O&M charge referred to includes sub-charges. Also should “liquidated damages” be termed “penalty fee” instead.

**4.1(a)(1)** Correctly label “Recycled Water and Local Supply Sub-Charge”.

**4.5(b)** Clarify last sentence re. capital costs paid by NMWD.

**4.6(d)** Correct language re. potential end of the year Aqueduct Facilities Capital Charge deficits

**4.6(e)** Insert correct allocation ratios applicable to new Revenue Bonds to finance major replacements.

**4.7(a)** Clarify by adding word “potable” to storage reservoirs.

**4.7(e)** Add this new subparagraph that extends storage criteria exemption to any contractor provided they meet the criteria set forth in 4.7(a).

**4.14(b)** In first sentence, call out “Agency’s General Fund” as one of the “other” sources of revenue.

**Misc. capitalization and sentence punctuation corrections:** Sec. 1.2(rr), 1.8, 2.6, 2.8, 3.1(a), and 4.14(d).

\*Does not include comments from Attorneys submitted directly to Steve Shupe.